

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, DECEMBER 6, 2005

Chair Parsons called the meeting to order at 7:02 p.m. at One Twin Pines Lane, Second Floor of City Hall.

1. ROLL CALL

Commissioners Present: Parsons, Dickenson, Fratuschi, Gibson, Long, Wozniak, Horton

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), City Attorney Zafferano
(CA), Recording Secretary Flores (RS), Contract Planner Meunier (CP), Associate Planner Walker
(AP), Crouse (RSA)

2. AGENDA AMENDMENTS:

At CDD de Melo's request, item 6A was moved to be heard before item 5.

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR: None

4A. Minutes of 9/20/05

Continued to next meeting as Commissioners had not had time to review.

6. OLD BUSINESS

6A. 10 Spring Lane – Review of Final Landscape Plan

CDD de Melo summarized the staff report and recommended approval.

MOTION: By C Frautschi, seconded by C Long, to approve the Final Landscape Plan for 10 Spring Lane. (Appl. 2005-0029)

Ayes: Frautschi, Gibson, Long, Wozniak, Dickenson, Parsons

Noes: None

Abstain: Horton

Motion passed: 6/0/1

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2847 San Juan Boulevard

To consider a Single Family Design Review to construct a new 2,681 square foot Single Family Residence. (Continued from 11/15/05 Planning Commission Meeting)

Appl. No. 2002-0054; APN: 043-322-270; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: Patrick Flanders

Owners: Kaveh and Kasra Amir-Araghi

CP Meunier summarized the staff report.

CDD de Melo summarized a revised resolution and modified CUP. Staff will work with Public Works regarding the sidewalks.

VC Dickenson asked if Public Works advised if the retaining wall is a public benefit. CP Meunier responded that no position had been received from Public Works as yet and that it will come back to the Commission as part of the landscaping plan.

VC Dickenson complimented staff on using the GIS mapping and a for a thorough staff report.

C Horton questioned how they can build a sidewalk in front of someone else's property when they are not doing the construction and how they felt about it. She also questioned if the parking pad is legal, noting that there is a red curb from 2851-2853. CDD de Melo responded that the sidewalk would be installed within the public right-of-way and not on the person's property. They would receive a notice. C Horton asked if that the car is parked on a sidewalk. CP Meunier replied that it is the improved sidewalk that does not connect anything else.

C Horton commented that it is interesting that we build sidewalks to park cars on; that is what is happening on San Juan.

VC Dickenson asked about enforcing parking on a public right-of-way.

C Horton asked if we build another sidewalk that goes nowhere, are we inviting people to park on the sidewalk because there is a red curb there. CDD de Melo responded that the sidewalk is designed for pedestrian access only. CP Meunier added that if the sidewalk is approved, it would only be 5' wide.

VC Dickenson suggested putting up a 2' retaining wall to hold the dirt on their side or like square footage across the street.

C Horton commented that it would make more sense to put the sidewalk on the less steep side of the street. CP Meunier confirmed that that is the recommendation of staff—to require discussions with Public Works regarding the frontage being improved but by completing links on the opposite side of the street. Horton asked how the sidewalk will get built. CDD de Melo responded that Public Works would hold the money for sidewalk improvements, without knowing exactly where the sidewalks would be built.

VC Dickenson noted that the ordinance was changed so the property owner is responsible for sidewalk to curb.

C Gibson noted that the Planning Commission does not have the power to impose conditions on Public Works about the sidewalk. CDD de Melo commented that the Commission can only suggest to Public Works about wanting certain conditions.

C Frautschi asked if pavement on the right side of the driveway is necessary. CP Meunier responded that it is not completely necessary; however it could change driveway retention and heights of walls. This could require an encroachment permit from City Council.

C Frautschi questioned what happens if authorization of grading is not given by adjacent properties. CA Zafferano replied it is a Condition of Approval.

In regard to working with Public Works on the sidewalk, C Frautschi asked if they can request a red curb. CDD de Melo agreed that he will explore that issue with Public Works.

Patrick Flanders, applicant/architect, advised that there is already no parking allowed on that side of the street. VC Dickenson clarified that a new sidewalk would be public right-of-way and the City has the ultimate decision as to what it does on a public right-of-way.

Mr. Chapman, neighbor on San Juan Blvd, commented on two issues: (1) the parking pads were required by the City as off-street parking; (2) regarding the sidewalk issue, people do not walk on that side of the street—they walk on the other side of the street. He would prefer a sidewalk on the other side of the street on the corner coming down San Juan Blvd. where there is a sweeping corner that has a red curb. He added that people are always walking in the street. Also, where this property is 100' wide, he suggested 500 feet of sidewalk whether it is 5' wide, or 3' wide. If 3' foot wide, make it a longer sidewalk. If the Planning Commission could direct Public Works to use end dumps instead of 10 wheelers it would cut down on the truck traffic.

The Boykin's, neighbors on San Juan Blvd., commented that theirs is the property (2848) where they are talking about putting in the sidewalk. They stated that they have not actively opposed the project but do not want a sidewalk in front of their house. This must be red curbed. They asked that the trees stay and be protected as they are critical for their view. They would be looking at a large, ugly concrete driveway. They asked if the driveway could be on the other side of the uphill side and if it can be brick instead of concrete. Because of the poison oak up there, they asked if the trucks hauling that can be covered. They felt that a sidewalk in front of their house would only serve to make the street narrower. Also, the view out of their dining and living rooms would look square out onto the driveway.

Coralin Feierbach, City Council Member and resident of E. Laurel Creek, spoke to confirm what C Horton said—that people park their cars on the sidewalk. They straddle the sidewalk and park on it even if it is red. They do not use the sidewalk for walking.

MOTION: By C Frautschi, seconded by VC Dickenson to close the public hearing. Motion passed.

VC Dickenson addressed the issue of trucks hauling the poison oak, stating that there is a vehicle code for trucks to be covered if they are hauling, and adding that there is a document in the packet talking about protecting the trees. Regarding parking on the sidewalk, he recommended that they call the Police Department if there is someone parking on the sidewalk.

C Gibson commented that he would recommend a sidewalk on the other side for the safety of walkers.

C Long commented that it was good to have the Boykins and a member of the City Council at the meeting. He suggested that they create a Sidewalk Fund and have smart sidewalks, and perhaps a joint meeting with Public Works. He was willing to support the project.

C Frautschi concurred with the idea of putting a sidewalk on the other side of the street on the City public right-of-way. He felt that the applicant should be required to pay fees comparable to what sidewalks would be on their property and placed somewhere within the City. Regarding a landscaping plan, the property on the right side of the driveway, maybe planting trees to mitigate the course of the driveway for the Boykins. For alternate materials for the driveway, he did not believe bricks would work because it is on the shady side of the street and would not be safe. He suggested the possibility of pavers, which could be included in the final landscape plan. He was prepared to support the project, adding that it needs a red curb and that hauling and grading should be reduced.

C Horton questioned why they should put in a sidewalk where nobody walks. She agreed with the red curb suggestion and that pavers should be considered for the driveway. She could support the project.

C Wozniak suggested that Public Works work with the neighbors, especially if they do not want a sidewalk in front of their house. She was willing to support the project.

VC Dickenson reiterated about a small retaining wall instead of a sidewalk for the public benefit to keep dirt out of the gutter.

Chair Parsons commented that he supported the project. He would like to see a sidewalk all the way down that street on the other side. Concurred with the red curb.

C Long questioned whether it leaves flexibility on the sidewalk as written. CDD de Melo responded that with the Final Landscape Plan the sidewalk issue will not be left unsaid after they leave the next meeting.

VC Dickenson clarified that there is one Commissioner who does not want to see a sidewalk.

Regarding the landscape plan, C Frautschi added that they may want to do keyhole cuts in the driveway for things that will grow up.

MOTION: By C Frautschi, seconded by C Long, to adopt a Resolution approving a Single- Family Design Review to construct a new 2,681 square foot single family residence at 2847 San Juan Blvd. with Conditions of Project Approval as attached in Exhibit A. (Appl. 2002-0054)

Ayes: Frautschi, Long, Horton, Wozniak, Dickenson, Parsons

Noes: Gibson

Motion passed: 6/1

5B. PUBLIC HEARING – 1804 B Ralston Avenue

To consider a Single Family Design Review to construct a new 3,462 square foot single-family residence. (Continued from 11/15/05 Planning Commission Meeting)

Appl. No. 2005-0047; APN: 044-312-330; Zoned: R-1C (Single-Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: Kelvin Chua

Owner: Hani Aho

CP Meunier summarized the staff report, noting the inclusion of new community outreach data, revised landscaping report, revised site plan, a letter from Topos Architects, and an e-mail from the City arborist.

C Frautschi asked for clarification that the taller fence will run along the property line for 1802. CP Meunier responded that the fence is proposed to run the length of 1802 and 912 Avon Street; not between 1804 and the new house in front.

C Frautschi questioned the addition of tone accents (that are there for the chimney and firewall) for the entrance posts as one comes into the property. The applicant responded that it was a timing issue; that it did not get added onto the elevation.

C Frautschi questioned if they can add more trees to the site. The applicant responded that adding more trees would cover up the façade that fits in with the Belmont characteristics; it would camouflage what they were doing. C Frautschi clarified that Ralston is a scenic corridor—the purpose for adding trees is to cover up the houses.

C Long asked what kind of trees might go in. The applicant responded that the kind of trees had not been considered.

Mr. Jameson, neighbor on Ralston Avenue, asked about the 6' fence along the property line and noting that a large oak runs across the property line. He was still not happy about the size of the house but thanked them for taking the balcony off that overlooked his bedroom window.

MOTION: By C Frautschi, seconded by C Long, to close the public hearing. Motion passed.

C Wozniak was puzzled that the house is too big for the site and questioned it if it is a multi-unit design.

VC Dickenson agreed with the neighbor that it is much too big of a house to be put on this lot. It is the epitome of bulk and mass. Allowing this much square footage is doing a disservice to Belmont and the neighborhood.

C Gibson stated that it is a big house and they have standards in the zoning code. He was happy with the house and the changes, and the substantial setback of 25' from the curb. If they require trees, he suggested that maybe they should be outside of the property line; otherwise they are getting close to the oak and the house.

C Long asked for staff clarification on the bulk/mass issue. CDD de Melo clarified that the project is under the 3500 sq.ft. limit.

He could support shrubs larger than one gallon and some limited use of trees.

C Frautschi agreed that the house is large. All within the setbacks. Within the square footage requirements. Not asking for anything beyond the law. Need plant material to mitigate bulk. Ornamental trees near the front door to soften the look. Would expect to see trees along the Ralston corridor in the final landscaping plan. Anything that can be done to soften the look. Applicant would need a variance for a fence beyond 6'. He was prepared to support this design, reluctantly.

Chair Parson stated that the house will be set back at least 40' from Ralston with a first story, then a smaller second story. They have mitigated the bulk from the street. He had no problem with this house on this site. Maybe a little bit more landscaping and trees near the driveway. He was prepared to support this project and get rid of an unfortunately unsightly lot.

VC Dickenson responded that this is a unique lot with the setbacks different. The house is oriented on a side yard as a typical frontage on a home. This clearly triggers the bulk and mass issue.

MOTION: By C Gibson, seconded by C Horton, to adopt a Resolution approving a Single-Family Design Review at 1804 B Ralston Avenue, to construct a new 3,462 square foot single-family residence, with the Conditions of Approval attached as Exhibit A and the added condition requiring a final landscape plan (Appl. 2005-0047)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Parsons

Noes: Dickenson

Motion passed: 6/1

5C. PUBLIC HEARING – 2606 Belmont Canyon Road

To consider a Single-Family Design Review and Floor Area Exception for a 768 square foot addition to the existing 2,230 square-foot single-family residence for a total of 2,998 square feet that is greater than the maximum permitted 2,009 square feet for this site. (Continued from 11/1/05 Planning Commission Meeting)

Appl. No. 2005-0035; APN: 043-181-040; Zoned: R-1B/S-1 (Single-Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15301

Applicant/Owner: Kate Leggett

AP Walker summarized the staff report, recommending approval.

VC Dickenson thanked staff for the quick turn-around time.

Mrs. Williamson, neighbor on Belmont Canyon Rd., liked it that this will keep young people in the neighborhood.

MOTION: By VC Dickenson, seconded by C Long, to close the public hearing. Motion passed.

C Frautschi commented that intensity issues have been dealt with. He was ready to support the project.

C Long commented on what is intensity of use. He did a survey; average home size is 2586 sq.ft. He was prepared to support the project.

MOTION: By VC Dickenson, seconded by C Long, to adopt a Resolution approving a Single-Family Design Review and Floor Area Exception for a 768 square foot addition to the existing 2,230 square foot single-family residence for a total of 2,998 square feet that is greater than the maximum permitted 2,009 square feet for 2606 Belmont Canyon Road, including Exhibit A attached (Appl. 2005-0032)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

5D. PUBLIC HEARING – 2520-2522 DeKoven Avenue

To consider a Conditional Use Permit, Variance and Design Review to install a Cingular Wireless Telecommunications facility, consisting of panel antennas mounted on two 56-foot-high poles attached to the existing Mid Peninsula Water District water tanks, and four detached equipment cabinets.

Appl. No. 2005-0032; APN: 043-272-400; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: The Alaris Group

Owner: Mid Peninsula Water District

CDD de Melo summarized the staff report, recommending that the landscaping be “beefed up,” with evergreen species and that a landscape plan come back with a global look. The health effects have been addressed.

C Long asked if this is an exposed ridgeline. CDD de Melo responded from the standpoint of a Single Family Design Review project.

C Long quoted from the report “no facility should be installed on an exposed ridgeline..” There are already some antennas up there—the genie is already out of the bottle. CDD de Melo stated that the information states that “unless it is screened,” which this is. This site is effectively screened by other uses.

CDD de Melo responded that the CUP runs with the land. The trees were to serve as a screen but are now gone. Staff is looking to get additional screening. As far as assigning responsibility, they are trying to reconcile the issues of screening.

CA Zafferano stated that T-Mobile does not own the property where the trees were removed.

C Gibson asked if the City has any authority over Mid Peninsula Water District. CA Zafferano stated that he assumed that the trees that were removed were not protected trees.

C Frautschi stated that the trees were regulated but not protected and asked if a permit was issued to remove the trees. CDD de Melo stated that, as far as he knew, there was no permit issued.

C Frautschi stated sometimes the Mid Peninsula Water District does what they want to do on their property. He worried about placing conditions on a property.

C Long stated that the Commission is assigning the owner of the property these privileges.

CA Zafferano stated that they could issue a condition that runs with the land. Then if violated, they can go back to the property owner.

C Wozniak asked how many different facilities are on this property. CDD de Melo responded that there are currently 3, this will be the 4th, with 5 antennas currently. C Wozniak stated on the petition that this is a "farm". They are not addressing these other numbers; they are only looking at Cingular.

Applicant Jason Trollpe, Cingular, explained the necessity for the facility as more people are opting out of fixed line and going to wireless communications. Facilities are approaching capacity. Approximately 4,000 residents are Cingular subscribers – one fourth of Belmont population. He added that one cannot see over the water tanks to get view of antennas. Many residents were not aware the antennas existed. He did not feel it could be called an antenna farm.

C Gibson asked about land lines there. Does transmission go from tower to tower? The applicant responded that there are some land lines; transmission is passed from tower to tower.

C Long asked about a fuel tank and if there is a back-up generator on-site already. The applicant responded that they have no plans for a fuel tank. Currently there is an electric plug. The water district has generator on-site.

C Wozniak asked about projection for emergency site visits. How often would this occur? Applicant responded that that data is unknown; will check and report back.

VC Dickenson asked who services the antennas. They have less authority over contractors. Applicant responded that they do out-source to contractors.

C Long asked about light/sound escaping while providing routine maintenance. Applicant responded flashlights, fence slats, while trucks are turning around. Regarding sound, while hammer drops. Landscaping screening should take care of this.

C Frautschi asked about variance, alternative sites. Applicant responded that there are no alternative sites, would need to consider other type of designs that would be less acceptable; micro site on poles/light standards. Would need many more of those to equal this macro site. 6 micro sites to 1 macro site. Could agree to have site measurements annually.

C Frautschi asked about exposure/emissions limits from Diamond Services report.

Bill Hammett, engineer with Hammett & Edison, responded about Diamond Services report, which addresses accumulative conditions. On page 2 of their report, second paragraph, 0.61 % of the standard (< 1 %). He measured 0.04 % for maximum on site. Levels should be around 1% which is 100 times below FCC standards. The site will comply with the standards; unlimited duration, unlimited exposure. Levels will be many times less than on a cell phone. Exposures times much less because they are 50-60' up (antenna at the top of a pole). Base cabinets are like computers and send the energy up the pole and out the antenna. The limits are on exposure rather than emissions because the emissions dissipate rapidly. Calculations are done at ground level, because that is where people are and would be exposed. Cumulative effect would be from all the carriers. Periodic measurements are usually not required. Once up and running, measurements do not differ. In case of an emergency, it would shutdown the load. You can hug the antennas without fear of exposure. Costs for periodic measurements are roughly \$1,000 for a half dozen homes at a time.

Applicant spoke to number of carriers that could fit on that site; if box trees were added, there would not be any spare ground for these facilities.

Chris Adams, resident of De Koven across from the site, felt that the scope of the report did not seem to be sufficient and that the context needed to be expanded. The City of Brisbane has banned cell towers within 600' of residences. Aesthetics, property values, nuisance value are issues. The visual is less of an issue. They particularly do not like the fence slats. He asked about security cameras and seismic retro-fit studies and asked that the report be revised and broadened in scope?

C Long asked how often the neighbor sees people over there for maintenance and if he was concerned about emissions. Mr. Adams responded maybe 50-100 times per year and that emissions are not the issue as long as they are below the level.

Lorraine Lapier, resident on Newlands Ave, had concerns about public safety. She asked how far away from residences can these antennas be put, what other cities require and the cumulative effect 15-20 years down the road. CDD de Melo responded that there are no specific standards except for height.

Dorothy Low, Mr. Adams' wife, stated that they were notified of the first antenna and no more after that, except this one.

MOTION: By C Frautschi, seconded by VC Dickenson, to close the public hearing. Motion passed.

Applicant clarified that he cannot approve for Cingular to have continuous site measurements. Carrying on reports indefinitely does not make sense.

C Long stated that this is about managing perception of health concerns. He would be willing to support this if fair to applicant and fair to neighbors around this structure. Need some sort of testing after the fact. He had more landscaping, issue with the slats.

C Gibson stated that health concerns are imaginary. Property values are impacted by existence of water tank. The view is marginal. Disruption from construction/maintenance is to be concerned with. Concerned with multiple parties involved (landowner, carrier, contractor).

C Wozniak would like more detail on maintenance. RF not that concerned. Mid Pen making money, trees cut down, saw more of water tower than antennas. Barbed wire looks ugly. Fence slats? Fix driveway. Applicant must work with land owner.

C Horton agreed that more devalue with water tank. They are attaching antennas to existing structures. Not concerned with RF (Radio Frequencies). Mid Peninsula a lousy property owner. Replace the vegetation they remove. Do some concrete work. Aesthetics needed.

CA Zafferano advised that they can impose these with the Conditions of Approval.

C Frautschi stated that the Planning Commission can talk about aesthetics. City Council deals with property values. Mid Pen has been responsive about their properties. Need a landscape plan. Urged the neighbors to look at Mid Pen property at Mezes and Lyons. In defense of Planning Commission, there was not a single neighbor that came forward about previous issue. Need clear chain of command in case there is a problem. Security cameras; have Mid Pen take a global look. He was prepared to support the project dependent on the landscaping and screening of the project.

VC Dickenson agreed that landscaping is a priority. The RF not a big issue. He asked if cellular towers must be disclosed when a home is sold. CA Zafferano advised that he is not aware of cell towers as part of a disclosure. Always disclose a neighborhood condition, such as the water tank.

VC Dickenson stated that he is a Verizon user and agrees with hours of service, realistic number of calls per year. On emergency calls, contact the Police Department first. Signage to call out conditions, similar to CUP put up at Safeway. Otherwise supportive of the project.

Chair Parsons stated that the water district has always been responsive. This is a piece of land that has been ignored by them. Need owner of property to be part of the solution. Have the applicant meet with the Water District.

Mike Anderson, Mid Pen Water District, responded that he personally took offense that they are a lousy property owner. DeKoven is a property that they are looking into improving. He offered for C Horton to take a walk-through. They are willing to work with their customers; especially those who have moved in across from the water tower. Improving the site is important to them. They want to make the DeKoven site resemble the Mezes/Lyons site. Adjacent neighbors (Belmont residents) requested removal of trees.

C Long stated that he is a Cingular wireless user. The health perception/annual testing is addressing the issue. Need comprehensive landscaping plan.

MOTION: By C Long, seconded by VC Dickenson, to continue the application for a Conditional Use Permit, Variance and Design Review to install a Cingular Wireless Telecommunications facility, consisting of panel antennas mounted on two 56-foot high poles attached to the existing Mid Peninsula Water District water tanks, and four detached equipment cabinets at 2520-2522 DeKoven Avenue. (Appl. 2005-0035)

Ayes: Frautschi, Gibson, Long, Horton, Wozniak, Dickenson, Parsons

Noes: None

Motion passed: 7/0

7. REPORTS, STUDIES, UPDATES

7A. Avanti Pizza Shopping Center – 2040 Ralston Avenue (Verbal Report Update)

CDD de Melo reported that 1988 files uncovered a landscaping issue. There were 4 trees and various shrubs that were approved. A landscape maintenance agreement was unearthed. A letter will be sent to property owner. C Frautschi commented that the garbage area not being maintained either; smells bad.

7B. Unocal Service Station – 995 Ralston Avenue (Verbal Report Update)

CDD de Melo reported that a letter was sent to property owner/operator addressing at least 6 issues when this was expanded in 1988 (required parking for employees, muni code issues, vending machines, parking). They are working with code enforcement officer and the city attorney's office to address compliance. VC Dickenson advised that he noticed flowers, ugly sign gone. C Frautschi asked if signs on fence will be removed. CDD de Melo stated that signs not permitted by ordinance.

CDD de Melo reported that a letter was sent to Wendy's as well.

CDD Dickenson suggested a spreadsheet for these issues to track follow-up.

PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, DECEMBER 13, 2005

Liaison: Commissioner Gibson

Alternate Liaison: Commissioner Frautschi

8. ADJOURNMENT:

The meeting adjourned at 10:26 p.m. to a regular meeting on Tuesday, December 20, 2005 at 7:00 p.m. at Belmont City Hall.

Carlos de Melo

Planning Commission Secretary

CD's of Planning Commission Meetings are available in the

Community Development Department.

Please call (650) 595-7416 to schedule an appointment